

REMARKS

In the instant application, the Examiner has objected to the Abstract because it allegedly recites claims and contains implied phrases. The Abstract has been amended and the Applicants submit that it is in compliance with MPEP §608.01(b). Claims 1-29 are pending in the instant application. The Examiner has rejected claims 1-3 under 35 U.S.C. 102(b) as being allegedly anticipated by OEM1 (Oracle® Enterprise Manager, Concepts Guide, Release 2.0, January 1999, ORACLE®, hereafter "OEM1"). Further, the Examiner has rejected claims 12-14, 18-19, 21-23 and 27-28 under 35 U.S.C. 102(e) as being allegedly anticipated by OINS (Oracle8i Installation Guide, Enterprise Edition Release 3 for Windows NT, November, 2000, ORACLE®, hereafter "OINS").

Additionally, claims 20 and 29 have been rejected under 35 U.S.C. 102(b) as being allegedly anticipated by OEM2 (Oracle® Enterprise Manager, Getting Started with Oracle Diagnostics Pack, Release 2.2, September, 2000, ORACLE®, hereafter "OEM2").

Claims 4-6 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over OEM1 (Oracle® Enterprise Manager, Concepts Guide, Release 2.0, January 31, 1999, ORACLE®, hereafter "OEM1"), as applied to claims 1-3, and in view, of OEM3 (Oracle® Enterprise Manager, Getting Started with Oracle Management Pack for the Oracle Applications, Release 2.2, September, 2000, ORACLE®, hereafter OEM3").

Claim 7 has been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over OEM1 (Oracle® Enterprise Manager, Concepts Guide, Release 2.0, January 31, 1999, ORACLE®, hereafter "OEM1"), as applied to claims 1-3, and in view of OEM4 (Oracle® Enterprise Manager, Getting Started with Oracle Change Management Pack, Release 2.2, September, 2000, ORACLE®, hereafter "OEM4"). Claims 8-11 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over OEM1 (Oracle® Enterprise Manager, Concepts Guide, Release 2.0, January 31, 1999, ORACLE®, hereafter "OEM1"), as applied to claims 1-3, and in view of OEM2 (Oracle® Enterprise Manager, Getting Started with Oracle Diagnostics Pack, Release 2.2, September, 2000, ORACLE®, hereafter "OEM2"). Claims 15-17 and 24-26 have been rejected under 35

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U.S.C. 102(e) as allegedly being anticipated by OINS (Oracle8i Installation Guide, Enterprise Edition Release 3 for Windows NT, November, 2000, ORACLE®, hereafter "OINS") as applied to claims 12-14, 18-20, 21-23 and 27-28, and in view of OEM2 (Oracle® Enterprise Manager, Getting Started with Oracle Diagnostics Pack, Release 2.2, September, 2000, ORACLE®, hereafter "OEM2"). The above references are collectively referred to hereinafter as "OEMS").

The Applicants have cancelled claims 1-29 and submit new claims 30-50. The new claims 30-50 have been submitted to better clarify that which the applicants claim as the invention. Accordingly, the cancellation of claims 1-29 is not to be construed as conceding to the substance of the outstanding rejections. The Applicants submit that the instant application is in condition for allowance for at least the reasons presented herein.

The Applicants' have cancelled claims 1-29 rendering the outstanding rejections moot. Applicants' new claim 30 recites a "system for managing computer system performance, the system including a user system comprising:

- a workstation;
- a consolidated monitoring tool executing on the workstation; and
- a communications link to a vendor system, the vendor system supplying at least one of a component and service to the user system;

wherein upon installing a new component or acquiring a new service for the workstation, the consolidated monitoring tool performs:

- querying the user system for an inventory of existing installed components;
- building a database of information acquired in response to the querying;
- connecting to the vendor system web site using the communications link and vendor connection information extracted from the database;
- retrieving product information relating to the new component from the vendor system web site;

verifying requirements and compatibility of the new component against the existing installed components; and

determining an optimum configuration for the user system based upon the verifying, and configuring the user system in accordance with the optimum configuration."

OEMs not recite these features. OEMs relate to user guides for providing instruction and assistance to users of the Oracle Enterprise Manager tool. The Oracle Enterprise Manager (referred to herein as OEM tool) includes features and services for facilitating database management applications for users of the product (OEM1, p. 'x'). The OEM tool comprises a three-tiered architecture with specified functionalities allocated to each tier level (e.g., a Java-based console and management applications at the first tier, Oracle Management server at the second tier, and managed nodes containing databases and services at the third tier). A DBA management pack is bundled with the OEM tool and comprises "an integrated set of standard database administration tools to help automate and simplify the common daily tasks of administrators" (OEM1, page 1-16). Each of these components of the OEM tool operates in a different tier and is independent of the others (OEM1, p. 1-4).

The consolidated monitoring system resides on top of an operating system and is executed by the user system without a multi-tier architecture requirement. Upon installing a new component the workstation, the consolidated monitoring tool queries the user system for an inventory of existing installed components and builds a database of the information acquired in response to the querying. OEMs do not recite these features. Additionally, OEMs do not recite the workstation connecting to the web site of a vendor system that supplied the component using a communications link and vendor connection information extracted from the database, and retrieving production information about the new component and the vendor. The OEM tool does not link up to a vendor website for accessing component and vendor information but instead runs Intelligent Agents and a Data Gatherer on the OEM tool server and managed nodes for processing requests through OEM's integrated application in order to support OEM change management pack

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diagnostic services taught by the OEMs references are directed to 'database' user connections (OEM2, p. 7-3). OEMs do not teach or recite "displaying a corresponding explanation of the minor error for a user via translation tables stored in the user system."

Because the OEMs do not recite these features, Applicants' claim 43 is patentable over the OEMs references. Applicants new claim 44 teaches a system for handling severe errors encountered including connecting to the vendor system web site for assistance. None of the OEMs references recite this feature. Accordingly, Applicants' claim 44 is patentable over the OEMs references for this reason, as well as its dependency on claim 43.

Applicants submit that claim 45 is patentable over the OEMs for at least the reasons provided above with respect to claim 30. Claims 46-47 and 49-50 are patentable over the OEMs references for at least the reasons provided above with respect to claims 43-44, respectively. Claim 48 is patentable over the OEMs for at least the reasons provided above with respect to claim 31 and because of its dependency on claim 46.

The Applicants submit that the instant application is in condition for allowance. No new matter has been entered and no additional fees are believed to be required. However, if any fees are due with respect to this Amendment, please charge them to Deposit Account No. 09-0463 maintained by Applicants' Assignee.

Respectfully submitted,
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